

EXHIBIT A

Approved, SCAO

Original - Court
1st copy - Defendant2nd copy - Plaintiff
3rd copy - Return

STATE OF MICHIGAN JUDICIAL DISTRICT JUDICIAL CIRCUIT COUNTY PROBATE	SUMMONS	CASE NO. 19-060-NO
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Court address
Courts Building, 125 West Main Street, PO Box 189, Centreville, MI 49032

Court telephone no.
269-467-5531

Plaintiff's name(s), address(es), and telephone no(s).

Sarah J. Ussery
12033 Shavenhead Lake
Jones, MI 49061-9766

v

Defendant's name(s), address(es), and telephone no(s).

Menard, Inc.
United States Corporation Company
601 Abbot Road
East Lansing, MI 48823

Plaintiff's attorney, bar no., address, and telephone no.

James M. Giffels (P51459)
Giffels Law Office, PLLC
410 E. Centre Avenue
Portage, MI 49002
(269) 381-4172

Instructions: Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

Domestic Relations Case

- ☒ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. Attached is a completed case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

Civil Case

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ _____ Court, where

It was given case number _____ and assigned to Judge _____.

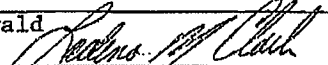
The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

SUMMONS

NOTICE TO THE DEFENDANT: In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to file a written answer with the court and serve a copy on the other party or take other lawful action with the court (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

Issue date February 13, 2019	Expiration date* May 15, 2019	Court clerk Lindsay Oswald 
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*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

Deputy

MC 01 (8/18) SUMMONS

MCR 1.109(D), MCR 2.102(B), MCR 2.104, MCR 2.106

SUMMONS
Case No. 19-060-NO

PROOF OF SERVICE

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE

<input type="checkbox"/> OFFICER CERTIFICATE I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)	OR	<input type="checkbox"/> AFFIDAVIT OF PROCESS SERVER Being first duly sworn, I state that I am a legally competent adult who is not a party or an officer of a corporate party, and that: (notarization required)
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- ☐ I served personally a copy of the summons and complaint.
- ☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint, together with _____

List all documents served with the summons and complaint

_____ on the defendant(s):		
Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee		Signature
\$		\$		
Incorrect address fee	Miles traveled	Fee	TOTAL FEE	Name (type or print)
\$		\$	\$	
				Title

Subscribed and sworn to before me on _____, _____ County, Michigan.
Date

My commission expires: _____ Date Signature: _____
Deputy court clerk/Notary public

Notary public, State of Michigan, County of _____

ACKNOWLEDGMENT OF SERVICE

I acknowledge that I have received service of the summons and complaint, together with _____ Attachments

_____ on _____
Day, date, time

Signature _____ on behalf of _____

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF ST JOSEPH

SARAH J. USSERY,

Plaintiff,

Case No: 19-060-NO

v

MENARD, INC,

Defendant.

JAMES M. GIFFELS (P51459)
Attorney for Plaintiff
410 E. Centre Avenue
Portage, MI 49002
(269) 381-4172

COMPLAINT WITH JURY DEMAND

There is no other pending or resolved civil action arising out of the transaction or occurrence alleged in the complaint.

Plaintiff states:

1. Plaintiff is a resident of Cass County, Michigan.
2. Defendant is a Foreign Profit Corporation conducting business in St. Joseph County, Michigan.
3. On August 11, 2018, Plaintiff was a business invitee at Defendant's home improvement store located at 1001 Warner Drive in Three Rivers, Michigan, County of St. Joseph.
4. On this date, Plaintiff was a business invitee who was shopping with her husband at Defendant's store in Three Rivers, Michigan when the Defendant's employee

negligently and without warning caused wood trim to fall directly onto Plaintiff's head in the check-out lane.

5. At all relevant times, Defendant owed to Plaintiff the following duties and obligations, among others:
 - a. to use ordinary care for the safety of customers;
 - b. to warn customers of such potential harm;
 - c. to avoid dangerous and reckless acts which could present customers with unreasonable risk of harm;
 - d. to act as a reasonable cashier under like and similar circumstances.
6. Defendant negligently breached all of the duties and obligations, among others.
7. As a direct and proximate result of Defendant's negligence, Plaintiff has sustained the following injuries and damages:
 - a. TMJ/TMD dysfunction
 - b. cervical/cranial myofascial disorder
 - c. pain, suffering and emotional distress
 - d. loss of normal enjoyment of life
 - e. continuing medical expenses, including expenses for
 - i. urgent care,
 - ii. physical therapy,
 - iii. continuing diagnostic tests and evaluations,
 - iv. prescriptive medicines, and
 - v. ongoing medical treatment
 - vi. other damages/injuries whose existence shall become known through the course of litigation

Plaintiff requests the court to award fair and reasonable damages in excess of \$25,000, together with costs, interest, and attorney fees.

JURY DEMAND

Plaintiff demands a jury trial in this matter.

Dated: February 6, 2019.

By:

GIFFELS LAW OFFICE, PLLC

James M. Giffels (PS1459)
Attorney for Plaintiff